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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,595	07/30/2003	Emmanuelle Moisy	11016-0017	6220
22902	7590	10/16/2007	EXAMINER	
CLARK & BRODY 1090 VERMONT AVENUE, NW SUITE 250 WASHINGTON, DC 20005			REDMAN, JERRY E	
			ART UNIT	PAPER NUMBER
			3634	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/629,595	Applicant(s) MOISY ET AL.	
	Examiner Jerry Redman	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3634

The status of the claims is as follows:

Claim 4 has been cancelled; and

Claims 1-3 and 5-20 are herein addressed below.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-9, 11-13, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Weimar (4,542,610). As shown in Figure 7, Weimar ('610) discloses a weatherstrip having a "rigid" thermo plastic reinforcing clip (4) having a web and two connecting jaws and at least one reinforcing means (18 is the bore and 20 is a wire reinforcement) located any where along the reinforcing clip (4) (column 5, lines 19-37). Weimar ('610) further discloses a retaining abutment (51) and an accommodating lip (the bottom portion in Figure 7 and/or the lip 40 as shown in Figure 6).

Claims 1-3, 5, 6, 14, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gopalan et al. (2002/0144466A1). As shown in Figure 13, Gopalan et al. (2002/0144466A1) disclose a weatherstrip having a "rigid" thermo plastic reinforcing clip (10) formed of polypropylene and having a web and two connecting jaws with at least one planar reinforcing means (43 and/or 60) located along the jaw, a retaining abutment (the ridge portion situated between the jaws).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-13, 15, 16, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guillon (4,970,102) in view of Weimar ('610). As shown in Figure 4, Guillon ('102) discloses a weatherstrip (40) having a "rigid" thermo plastic reinforcing clip having a web (54) and two connecting jaws connected thereto, sealing lips 44 and 45) connected to the jaws, an abutment means (52) engaging the flange portions. Guillon ('102) fails to disclose a reinforcing means located in at least one of the jaws. Weimar ('610) discloses the use of reinforcing means (18) located at any position along a weatherstrip (column 5, line 19-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the weatherstrip of Guillon ('102) with a reinforcing means as taught by Weimar ('610) since a reinforcing means provides extra rigidity to the weatherstrip along portions which need strengthened.

The applicant's arguments have been considered but are not deemed persuasive. It appears that the applicant's arguments are more limiting than that of the claims. The applicant argues the phraseology "rigid". According to www.dictionary.com, the phraseology (second definition) "rigid" is defined as "firmly fixed or set." As discussed in detail above, the weather-stripping above is formed of

Art Unit: 3634

"rigid" plastic. The applicant has failed to provide specific structural differences other than relying on the phraseology "rigid" which, in its broadest interpretation, reads on the applicant's invention.

Furthermore, the applicant merely argued a single reference/a single rejection. The applicant appears to take the position that plastics (more specifically, polypropylene) cannot be considered "rigid". As discussed in detail above, many plastics (if not all) could be considered "rigid". The question is to what degree of rigidity is the material. The applicant has failed to positively recite, limit, or define a specific rigidity in with the arguments are directed to which would overcome the art of record.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 3634

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Redman whose telephone number is 571-272-6835. The examiner can normally be reached on M-F from 8 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glessner, can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jerry Redman
Primary Examiner

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Primary Examiner
Art Unit 3634